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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,541	04/18/2001	Ryan C. Kinter	1778.0200000	6813
26111 7590 12/26/2007 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER PAN, DANIEL H	
			ART UNIT 2183	PAPER NUMBER
			MAIL DATE 12/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	09/836,541	KINTER ET AL.	
	Examiner	Art Unit	
	Daniel Pan	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6,8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) 21-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8 and 10-14,21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Clams 1-3,5,6,8,10-14 remain for examination. claims 4, 7,9, 15-20 have been canceled.
2. Claims 5,10, 13,14,15,17-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
3. As to newly amended claim 10, claim 10 now recites the tangible computer readable storage medium in preamble. However, in view of the specification, there is no clear definition that the computer readable storage medium is necessary a hardware. Page 13, [0054] of the specification taught computer usable (e.g. readable) medium include both hardware, CD ROM, DVD ROM and not hardware as a computer data signal embodied in computer usable transmission medium (e.g. carrier wave). Therefore, it is not necessarily implemented in hardware.
4. Claims 1-3,5,6,8,10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan (5,740,392) in view of Lee (6,442,674).
5. The newly added claims 21 and 28 necessitated a new ground of rejection. However, ground of rejection previously applied to claims 1-3,5,6,8,10-14 under 35 U.S.C. 103(a) and claims 5,10, 13,14,15,17-20 under 35 U.S.C. 101 have been maintained and incorporated by reference the last office action on 05/11/07.
6. The response to applicant's remark regarding claims will be included herein.
7. In the remarks, applicant argued that :
 - a) claim 10 recites tangible computer readable storage medium which is statutory subject matter;
 - b) the length decoders Brennan merely determine the length already mapped instructions, and do no mapping of their own.
8. As to a), see Paragraph 3 above.
9. As to b), the length determined by the length decoders is the mapping itself.

The following are new ground of rejection applied to new claims 21-28.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 21-23,25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Brennan (5,740,392).

As to claim 21,27, Brennan taught decoding instructions in a processor, comprising:

(a) mapping each of a plurality of instructions to a predetermined instruction width format (PIWF) configuration (see length 00H and 0FH as the format configuration in fig.5);

(b) comparing, in parallel with (a), a tag for each of said plurality of instructions to an address (see detection of most significant bits with 0FH in col.6, lines 40-52, most significant bits 0-2) ;

(c) selecting, based on the comparison in the comparing, one of the PIWF configurations of the configuration to be decoded (see select signal [select]); and

(d) decoding the PIWF configuration selected (see fig.5 decoders, see also the length decoders 40 and 35 in col.6, lines 66-67, col.7, lines 1-49, see also parallel decoders in fig.8).

11. As to claims 22,23,25,26, Brennan also included 16 bit and 32 bit (see fig. 2, Prefix(1-15) and 32 Bits)

12. As to claim 28, Brennan taught a processor comprising:

a) means for mapping each of a plurality of instructions to a predetermined instruction width format (PIWF) configuration (see length 00H and 0FH); and
c) a multiplexer for receiving the PIWF configurations from means for mapping and for selecting, in response to a selector signal [select], a desired one of the PIWF configurations for decoding and execution by the processor
execution by the processor (see also the length decoders 40 in 35 in col.6, lines 66-67, col.7, lines 1-49, see also a plurality of parallel decoders in fig.8, see the shifter 38 used as a mux in col.6, lines 40-52).

13. As to claim 28, Brennan also taught mapping maps an instruction from to a PIWF configuration (see the length decoders 40 in 35 in col.6, lines 66-67, col.7, lines 1-49, see also a plurality of parallel decoders in fig.8, see the shifter 38 used as a mux in col.6, lines 40- 52).

14. Claims 24, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan (5,740,392) in view of Lee (6,442,674).

15. As to claims 24, 29, limitations of claim 28 have been discussed in previous paragraph.

16. Brennan did not specifically show a fill buffer as claimed. However, Lee taught a fill buffer (see fig.1 [100], col.2, lines 19-53). It would have been obvious to one of ordinary skill in the art to use Lee in Brennan for including the fill buffer as claimed because the use of Lee could provide Brennan the ability to accept instructions from different source (e.g. a buffer, or the like), therefore enhance the adaptability of Brennan, and because Brennan also taught receiving instructions from a cache (see fig.4 [instruction cache 30]), which was recognizable by one of ordinary skill in the art that the cache had been known to be an alternative memory resource of the main memory for providing a faster access, and any smaller storage, such as a buffer, or the

like, would have been provided in the system to increase the read/write speed of the instructions, and in doing so, provided a motivation.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

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PUBLICATION
9/10/09